HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 5192 OF 2007

DATED: 15.3.2007

Between:

Smt. B. Annamma

… Petitioner

and

The Chairman, Municipal Council,
Zaheerabad Municipality and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.5192 OF 2007

ORAL ORDER:

The writ petition is wholly misconceived.

The petitioner alleges that the respondents are illegally taking steps to evict her from Shop No.5, Zaheerabad Municipal Shopping Complex, National Highway 9, Zaheerabad, Medak District, without following the due process of law.

According to the petitioner, she is vending vegetables at Shop No.5 in the above premises since the last 23 years; initially on a rent of Rs.300/- per month and currently at Rs.1,000/- per month. The petitioner claims to be paying rents regularly to the respondent. It requires to be noticed that the Zaheerabad Municipality is not a party to this writ petition. The Chairman, Municipal Council and the Commissioner, Zaheerabad Municipality are impleaded as respondents 1 and 2. It is not known whether the petitioner is paying rents to the persons holding the office of a Chairman and Commissioner.

Be that as it may.

In the material papers annexed to the writ petition, the petitioner has furnished certain receipts allegedly issued by the Zaheerabad Municipality. The receipt dated 19.10.2005 bearing Receipt No.91/9040 purports to have been issued favouring 'Chowdri Medical Hall' towards the amount of Rs.1,000/- received by the municipality for the shop rent for the month of June 2005. In the column relating to the name of the remitter, it is mentioned as 'Chowdry Medical Hall' through Smt. Annamma, w/o Pentappa. From this receipt, it is apparent that Annamma, w/o Pentappa is a courier, who had remitted the amount towards rent on behalf of 'Chowdry Medical Hall'. There is no law, which inheres any legal right in a person remitting rental amounts on behalf of another. The petitioner has neither pleaded nor established even a scintilla of a nexus to the property in question.

For the aforesaid reasons, the writ petition is misconceived and is accordingly dismissed at the stage of admission, after hearing Sri P. Radha Krishna, the learned Standing Counsel for the Zaheerabad Municipality. No costs.

GODA RAGHURAM, J

Date: 15.3.2007
cvm